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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,768	11/01/2000	Xixian Chen	71493-843	9403
7380	7590	04/14/2005	EXAMINER	
SMART & BIGGAR/FETHERSTONHAUGH & CO. P.O. BOX 2999, STATION D 900-55 METCALFE STREET OTTAWA, ON K1P5Y6 CANADA			KIM, KEVIN	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,768

Applicant(s)

CHEN ET AL.

Examiner

Kevin Y Kim

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-15,17-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-15,17-32 and 40 is/are allowed.
- 6) ☒ Claim(s) 33 and 42 is/are rejected.
- 7) ☒ Claim(s) 34-39 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed on December 20, 2004, with respect to the rejection(s) of claim(s) 33 under 35 USC 112 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. The response helped to enhance the understanding of the claim, particularly regarding the function of the scheduler, which is "in place to avoid a situation where more search tasks than are capable of being handled by the search engine." In that aspect, a prior art has been found made and thus a new ground(s) of rejection is made in view of the newly found prior art as set forth below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 33 is rejected under 35 U.S.C. 102(e) as being anticipated by Banerjee (US 6,724,845).

Banerjee discloses a searcher (Fig. 1-1 ~ Fig. 1-4), comprising;

a search engine(110a, 110b, ..., 110n) that is capable of performing Q search tasks during each of a plurality of search task periods defined in local time, where $Q \geq 1$, and

a scheduler (120) for scheduling a search process for each of a plurality of known codes by selecting a respective plurality of search task periods during which the search engine is to execute a search task as part of the search process in a manner such that no more than Q search task are scheduled for any search task period. See col.6, lines 11-47 in particular.

4. Claims 42 is rejected under 35 U.S.C. 102(e) as being anticipated by Sourour et al (US 6,621,858, previously cited).

Referring to Fig. 8A, Sourour et al discloses a method and apparatus of searching multipath components of a CDMA signal using a Rake receiver, see col. 2, line 65 – col.3, line 10, comprising the steps of determining coherent correlations between a portion of the CDMA signal and a corresponding portion of a known code offset, see col. 5, lines 59-66, for a each of a plurality of correlation periods which are not entirely contiguous, see col. 6, lines 14-15 and for each of a plurality of multipath delays within a search window, see col.4, lines 6-10. The coherent correlations are then non-coherently combined into a search statistic for the multipath delay. See col.8, lines 47-60. Furthermore, it is well established that a correlation is performed between the known code and a received orthogonal code such that all components of the received signal other than the desired signal, i.e., “a pilot channel component” in this case, are removed.

Allowable Subject Matter

5. Claims 1-3,5-15,17-32 and 40 are allowed.

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6. Claims 34-39 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KEVIN KIM
PATENT EXAMINER

